

CALIFORNIA INDIAN LAND TRANSFER ACT

JUNE 10, 1998.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 2742]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2742) to provide for the transfer of public lands to certain California Indian Tribes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “California Indian Land Transfer Act”.

SEC. 2. LANDS HELD IN TRUST FOR VARIOUS TRIBES OF CALIFORNIA INDIANS.

(a) IN GENERAL.—Subject to valid existing rights, all right, title, and interest of the United States in and to the lands, including improvements and appurtenances, described in a paragraph of subsection (b) in connection with the respective tribe, band, or group of Indians named in such paragraph are hereby declared to be held in trust by the United States for the benefit of such tribe, band, or group.

(b) LANDS DESCRIBED.—The lands described in this subsection, comprising approximately 3525.8 acres, and the respective tribe, band, or group, are as follows:

(1) PIT RIVER TRIBE.—Lands to be held in trust for the Pit River Tribe are comprised of approximately 561.69 acres described as follows:
Mount Diablo Base and Meridian

Township 42 North, Range 13 East

Section 3:

S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, 120 acres.

Township 43 North, Range 13 East

Section 1:

N $\frac{1}{2}$ NE $\frac{1}{4}$, 80 acres,

Section 22:

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SE $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres,
 Section 25:
 SE $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres,
 Section 26:
 SW $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres,
 Section 27:
 SE $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres,
 Section 28:
 NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres,
 Section 32:
 SE $\frac{1}{4}$ SE $\frac{1}{4}$, 40 acres,
 Section 34:
 SE $\frac{1}{4}$ NW $\frac{1}{4}$, 40 acres,

Township 44 North, Range 14 East,

Section 31:
 S $\frac{1}{2}$ SW $\frac{1}{4}$, 80 acres.
 (2) FORT INDEPENDENCE COMMUNITY OF PAIUTE INDIANS.—Lands to be held in trust for the Fort Independence Community of Paiute Indians are comprised of approximately 200.06 acres described as follows:
 Mount Diablo Base and Meridian

Township 13 South, Range 34 East

Section 1:
 W $\frac{1}{2}$ of Lot 5 in the NE $\frac{1}{4}$, Lot 3, E $\frac{1}{2}$ of Lot 4, and E $\frac{1}{2}$ of Lot 5 in the NW $\frac{1}{4}$.
 (3) BARONA GROUP OF CAPITAN GRANDE BAND OF MISSION INDIANS.—Lands to be held in trust for the Barona Group of Capitan Grande Band of Mission Indians are comprised of approximately 5.03 acres described as follows:
 San Bernardino Base and Meridian

Township 14 South, Range 2 East

Section 7, Lot 15.
 (4) CUYAPAIPE BAND OF MISSION INDIANS.—Lands to be held in trust for the Cuyapaipe Band of Mission Indians are comprised of approximately 1,360 acres described as follows:
 San Bernardino Base and Meridian

Township 15 South, Range 6 East

Section 21:
 All of this section.
 Section 31:
 NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
 Section 32:
 W $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.
 Section 33:
 SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$.
 (5) MANZANITA BAND OF MISSION INDIANS.—Lands to be held in trust for the Manzanita Band of Mission Indians are comprised of approximately 1,000.78 acres described as follows:
 San Bernardino Base and Meridian

Township 16 South, Range 6 East

Section 21:
 Lots 1, 2, 3, and 4, S $\frac{1}{2}$.
 Section 25:
 Lots 2 and 5.
 Section 28:
 Lots, 1, 2, 3, and 4, N $\frac{1}{2}$ SE $\frac{1}{4}$.
 (6) MORONGO BAND OF MISSION INDIANS.—Lands to be held in trust for the Morongo Band of Mission Indians are comprised of approximately 40 acres described as follows:
 San Bernardino Base and Meridian

Township 3 South, Range 2 East

Section 20:

NW $\frac{1}{4}$ of NE $\frac{1}{4}$.

(7) PALA BAND OF MISSION INDIANS.—Lands to be held in trust for the Pala Band of Mission Indians are comprised of approximately 59.20 acres described as follows:

San Bernardino Base and Meridian

Township 9 South, Range 2 West

Section 13, Lot 1, and Section 14, Lots 1, 2, 3.

(8) FORT BIDWELL COMMUNITY OF PAIUTE INDIANS.—Lands to be held in trust for the Fort Bidwell Community of Paiute Indians are comprised of approximately 299.04 described as follows:

Mount Diablo Base and Meridian

Township 46 North, Range 16 East

Section 8:

SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Section 19:

Lots 5, 6, 7.

S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Section 20:

Lot 1.

SEC. 3. MISCELLANEOUS PROVISIONS.

(a) PROCEEDS FROM RENTS AND ROYALTIES TRANSFERRED TO INDIANS.—Amounts which accrue to the United States after the date of the enactment of this Act from sales, bonuses, royalties, and rentals relating to any land described in section 2 shall be available for use or obligation, in such manner and for such purposes as the Secretary may approve, by the tribe, band, or group of Indians for whose benefit such land is taken into trust.

(b) NOTICE OF CANCELLATION OF GRAZING PREFERENCES.—Grazing preferences on lands described in section 2 shall terminate 2 years after the date of the enactment of this Act.

(c) LAWS GOVERNING LANDS TO BE HELD IN TRUST.—Any lands which are to be held in trust for the benefit of any tribe, band, or group of Indians pursuant to this Act shall be added to the existing reservation of the tribe, band, or group, and the official boundaries of the reservation shall be modified accordingly. These lands shall be subject to the laws of the United States relating to Indian land in the same manner and to the same extent as other lands held in trust for such tribe, band, or group on the day before the date of enactment of this Act.

PURPOSE OF THE BILL

The purpose of H.R. 2742 is to provide for the transfer of public lands to certain California Indian Tribes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 2742, the California Indian Land Transfer Act, would transfer eight parcels of excess Bureau of Land Management land (3,525.8 acres) to eight Indian tribes located within the State of California. Provisions are contained in the bill which would ensure that any rents and royalties from the lands in question accruing to the federal government after the date of enactment of H.R. 2742 are made available to the appropriate tribe.

COMMITTEE ACTION

H.R. 2742 was introduced on October 24, 1997, by Congressman Don Young (R-AK). The bill was referred to the Committee on Resources. On March 17, 1998, the Committee held a hearing on H.R. 2742, where the Administration testified in support of the legisla-

tion. On May 20, 1998, the Full Resources Committee met to consider H.R. 2742. An amendment to make certain technical corrections to the bill, to delete certain unnecessary language, to add a provision which would terminate grazing preferences two years after the date of enactment of H.R. 2742, and, at Congressman John T. Doolittle's (R-CA) request, to delete two tribes, the Bridgeport Paiute Indian Colony and the Utu Utu Gwaitu Paiute Tribe, from the bill was offered by Congressman Young of Alaska and adopted by voice vote. The bill as amended was then ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(l)(3) of Rule XI of the Rules of the House of Representatives, and clause 2(b)(l) of Rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8, and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact H.R. 2742.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 2742. However, clause 7(d) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(l)(3)(B) of Rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 2742 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of H.R. 2742 would affect direct spending by resulting in a small loss of offsetting receipts, but the effect on offsetting receipts would be "negligible."

2. With respect to the requirement of clause 2(l)(3)(D) of Rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 2742.

3. With respect to the requirement of clause 2(l)(3)(C) of Rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 2742 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 8, 1998.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2742, the California Indian Land Transfer Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Kristen Kayman.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

H.R. 2742—California Indian Land Transfer Act

CBO estimates that enacting this bill would have no significant impact on the federal budget. Enacting H.R. 2742 would affect direct spending by resulting in a small loss in offsetting receipts; therefore, pay-as-you-go procedures would apply to the bill. However, we estimate that the effect on offsetting receipts would be negligible.

H.R. 2742 would transfer a total of 4,526 acres of federal land in California into trust for various Indian tribes. The bill would terminate grazing privileges two years after its enactment. At that time, tribes would be able to renegotiate the grazing permits. The bill stipulates that all receipts collected from use of the land after enactment be made available to the tribes. Based on information from the Bureau of Land Management, CBO estimates that the loss to the federal government of existing grazing receipts would be less than \$50 annually. There are no other receipt-generating activities associated with the land, and the agency has no plan to sell the land. Any discretionary costs associated with the transfer of the land would be minimal.

H.R. 2742 would impose no private-sector or intergovernmental mandates as defined in the Unfunded Mandates Reform Act and would impose no significant costs on state, local, or tribal governments.

The CBO staff contact is Kristen Layman. This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 2742 contains no unfunded mandates.

CHANGES IN EXISTING LAW

If enacted, H.R. 2742 would make no changes in existing law.